

## Message Text

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PAGE 01 GENEVA 06514 121053Z

15

ACTION EB-11

INFO OCT-01 EUR-25 IO-14 ISO-00 CIAE-00 COME-00 DODE-00

FMC-04 INR-10 NSAE-00 RSC-01 CG-00 COA-02 DLOS-06

DOTE-00 SAJ-01 NIC-01 L-03 PM-07 NSC-10 SPC-03 SS-20

DRC-01 PA-04 USIA-15 PRS-01 (ISO) W

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R 120920Z DEC 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 2924

INFO AMEMBASSY WARSAW

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FOR EB/TT/MA

E.O.11652 NA

TAGS ETRN PL

SUBJ SHIPPING: BILATERAL SHIPPING TALKS WITH POLES

REF GENEVA 6219; GENEVA 6270

BEGIN SUMMARY: FOLLOWING ARE HIGHLIGHTS OF INITIAL ROUND OF DISCUSSIONS WITH POLES MENTIONED REFTEL. TALKS TOOK PLACE DURING COURSE OF UN CONFERENCE OF PLENIPOTENTIARIES ON CODE OF CONDUCT FOR LINER CONFERENCES, GENEVA. SEE ACTION REQUESTED PARA 5 BELOW. END SUMMARY.

1. US AND POLISH DELS TO CODE OF CONDUCT CONFERENCE MET NOV 26 FOR FIRST ROUND OF SERIES OF INFORMAL TALKS ON BILATERAL SHIPPING MATTERS, PURSUANT TO UNDERSTANDING REACHED IN WARSAW (REF WARSAW 5041) DURING THIRD SESSION OF JOINT AMERICAN-POLISH TRADE COMMISSION. POLES (DABROWSKI, KOWALIKOWSKI AND LEGAL ADVISER) OPENED BY REFERRING TO MANDATE FROM LAST TRADE COMMISSION SESSION TO DISCUSS SHIPPING BEFORE END OF 1973 AND SUGGESTING THAT CURRENT  
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PAGE 02 GENEVA 06514 121053Z

INFORMAL TALKS COULD PAVE WAY FOR MORE FORMAL TALKS IN

1974. THEY LISTED FOUR ITEMS THEY WISHED TO DISCUSS:

1) VALIDITY OF SHIPPING PROVISIONS OF US-POLISH FCN  
TREATY OF 1931, 2) ACCESS TO US PORTS, 3) SCOPE OF A  
POSSIBLE BILATERAL SHIPPING AGREEMENT, AND 4) OPERATION  
OF POLISH VESSELS IN NORTH ATLANTIC.

2. FCN TREATY. US DEL (WEBB AND ANTOUN) DRAWING ON  
STATE 230723, COMMENTED THAT US HAD DENOUNCED FCN TREATY  
IN 1951 WITH EFFECTIVE DATE JAN 5, 1952 AND THAT US  
RECORDS SHOWED NO EXEMPTION FOR NAVIGATION CLAUSES. USDEL  
EXPRESSED WILLINGNESS, HOWEVER, TO DISCUSS ANY LEGAL  
QUESTIONS POLES MIGHT HAVE ON THIS MATTER IN ANY SUBSEQUENT  
TALKS. DABROWSKI SAID THERE PROBABLY LITTLE UTILITY  
IN PURSUING MATTER FURTHER.

3. ACCESS TO US PORTS. DABROWSKI EXPRESSED APPRECIATION  
FOR LIBERALIZED US PORT ACCESS RESULTING FROM SEPTEMBER  
EXCHANGE OF NOTES (REF WARSAW A-308) BUT NOTED THAT POLAND  
HAD NO SPECIAL ACCESS PROVISIONS FOR US-FLAG VESSELS.  
KOWALIKOWSKI THEN DETAILED SOME OPERATIONAL PROBLEMS FOR  
POLISH SHIPS RESULTING FROM US PORT ACCESS PROCEDURES AS  
WELL AS UNCERTAINTY REGARDING PRECISE COVERAGE OF VESSELS  
INTENDED IN ABOVE EXCHANGE OF NOTES. KOWALSKI SAID IT  
CLEAR THAT FISHERY VESSELS EXCLUDED BUT THAT TERM  
"COMMERCIAL CARGO" VESSELS APPEARED TO EXCLUDE NON-CARGO  
COMMERCIAL VESSELS, E.G. OCEAN-GOING TOWING VESSELS, ETC.  
HE WONDERED WHETHER TERMS COULD BE BETTER DEFINED.  
KOWALIKOWSKI ALSO DESCRIBED OPERATIONAL PROBLEM CAUSED  
BY LIMITATION OF PORT ENTRY PERMISSION TO ONE SPECIFIC  
DAY; HE SAID VESSEL DELAY OF ONE OR TWO DAYS FAIRLY COMMON  
BUT SUCH DELAYS NECESSITATED NEW PORT REQUEST.

4. USDEL NOTED THAT ADVANCE REQUEST TIME REDUCTION FROM  
14 TO FOUR DAYS SHOULD EASE OPERATIONAL PROBLEMS.  
KOWALIKOWSKI ADMITTED THAT INTERVAL SINCE US LIBERALIZATION  
ON ADVANCE REQUEST PERIOD TOO SHORT TO HAVE PERMITTED  
EVALUATION OF SHORTER TIME REQUIREMENT AND SUGGESTED HE  
MIGHT HAVE BETTER IDEA IN COUPLE WEEKS' TIME.

5. RE PROBLEM OF VESSEL DEFINITION, WEBB AGREED TO REFER  
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PAGE 03 GENEVA 06514 121053Z

QUESTION TO WASHINGTON AND WOULD PROVIDE ANSWER AS SOON  
AS POSSIBLE. ACTION REQUESTED: IF AT ALL FEASIBLE WOULD  
APPRECIATE APPROPRIATE GUIDANCE ON VESSEL DEFINITION PROBLEM.

6. SCOPE OF POSSIBLE SHIPPING AGREEMENT. IN ANSWER TO  
WEBB'S QUESTION, DABROWSKI LISTED FOLLOWING AS SUBJECTS  
TO BE CONSIDERED FOR INCLUSION IN POSSIBLE BILATERAL  
SHIPPING AGREEMENT: A) NAVIGATION CLAUSES FROM OLD FCN

TREATY; B) ASSISTANCE IN CASE OF SHIPP WRECKS; C) RECOGNITION OF CREW DOCUMENTS, ANY ASPECTS OF SHORE LEAVE NOT COVERED BY IMCO FACILITATION CONVENTION; D) TRANSFER OF PORT ACCESS ARRANGEMENTS INTO FORMAL AGREEMENT; E) EXEMPTION OF SHIPPING FROM DOUBLE TAXATION; F) CONSULTATIONS ON MATTERS OF COMMON INTEREST (IN SEPARATE FORUM FROM JOINT COMMISSION), WHICH MIGHT INCLUDE BOTH BILATERAL AND MULTILATERAL SUBJECTS. DABROWSKI SAID POLES WOULD BE INTERESTED IN KNOWING ANY SUBJECTS WHICH US MIGHT WISH TO SEE INCLUDED.

7. WEBB REPLIED THAT US SAW LITTLE NEED FOR BILATERAL SHIPPING AGREEMENT AND ASKED WHETHER POLES HAD ANY SPECIFIC PROBLEMS WHICH THEY FELT THAT FORMAL AGREEMENT WOULD RESOLVE. HE ADDED THAT MANY CHANNELS ALREADY EXISTED FOR EITHER FORMAL OR INFORMAL SHIPPING CONSULTATIONS BETWEEN US AND POLAND AND THAT IT DID NOT REQUIRE BILATERAL AGREEMENT OR TREATY TO BE ABLE TO HOLD SUCH TALKS. DABROWSKI WAS UNABLE TO PROVIDE SPECIFIC REPLY BUT SAID ONLY THAT IT POLISH POLICY TO CONCLUDE BILATERAL TRADE AND SHIPPING AGREEMENTS WITH MAJOR TRADING PARTNERS. POSSIBILITY OF FURTHER EXCHANGE OF VIEWS ON NEED AND/OR VALUE OF FORMAL AGREEMENT WAS NOT RULED OUT.

8. OPERATION OF POLISH VESSELS IN NORTH ATLANTIC. THIS RELATED MAINLY TO FMC REGULATION AFFECTING POL AND POLISH INQUIRIES THIS SUBJECT REPORTED GENEVA 6270.

9. NEXT MEETING. US AND POLISH DELS AGREED TO MEET AGAIN DURING LAST WEEK OF CONFERENCE (DEC. 12-15) FOR FURTHER REVIEW OF ANY OF MATTERS ALREADY RAISED AND TO SUGGEST DATE FOR MORE FORMAL MEETING IN 1974.BASSIN

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